Village of Mukwonago

REGULAR BOARD OF BUILDING AND ZONING APPEALS MEETING

Notice of Meeting and Agenda *Thursday, January 26, 2017*

Time: **6:30 p.m.**

Place: Mukwonago Municipal Building/Board Room, 440 River Crest Court

- 1. Call to Order
- Roll Call
- 3. Approval of minutes for December 15, 2016 regular meeting

4. Public Hearing

All persons interested in making comments about any of the public hearing items will be heard. Formal petitions and written comments regarding any of the public hearing items may be submitted tonight. During the public hearing(s), if you wish to be heard, the Board of Building and Zoning Appeals asks that you begin by stating your name and address, speak for no more than three minutes and attempt to avoid duplication. Each person speaking at the public hearing must sign the Public Hearing Appearance sign-in sheet before speaking. The sign-in sheet is available on the table located at the back of the room.

A. Request by Dennis & Nancy Ward for a variance of 16 feet, 2 inches, to allow a building addition to be located 3 feet, 10 inches from the mapped floodplain, instead of the required 20-foot setback from a mapped floodplain, pursuant to Section 100-283 (f)(1)a. of the Village of Mukwonago Municipal Code for the property located at 209 Shore Drive, known as MUKV1976075

5. New Business

Discussion and Possible Action on the Following Item

A. Consideration of a request by Dennis & Nancy Ward for a variance of 16 feet, 2 inches, to allow a building addition to be located 3 feet, 10 inches from the mapped floodplain, instead of the required 20-foot setback from a mapped floodplain, pursuant to Section 100-283 (f)(1)a. of the Village of Mukwonago Municipal Code for the property located at 209 Shore Drive, known as MUKV1976075

6. Adjournment

It is possible that members of, and possibly a quorum of, members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through appropriate aids and services. For additional information or to request this service, contact the Clerk's Office, 440 River Crest Court, (262) 363-6420, Option 4.

MINUTES OF THE REGULAR BOARD OF BUILDING AND ZONING APPEALS MEETING

Thursday, December 15, 2016

Call to Order

Chairperson Chris Tarr called the meeting to order at 6:45 p.m. located in the Board Room of the Mukwonago Municipal Building, 440 River Crest Ct.

Roll Call

Members Present: Dave Mades

Chris Tarr Don Fischer

John Beauchamp, 1st Alternate Member Charles Harwood, 2nd Alternate Member

Members Excused: Sarah Szejn

Jack Dexter

Also present: Bruce Kaniewski, Village Planner

Judith Taubert, Deputy Clerk/Treasurer

Minutes

Motion by Fischer/Beauchamp to approve the minutes from the Regular Board of Building and Zoning Appeals Meeting on Thursday, October 27, 2016 carried.

Public Hearing

The public hearing for the request by Rebecca Pochert for a variance of 144 square feet to allow construction of a new detached garage of 864 square feet as opposed to the maximum allowed detached garage of 720 square feet, pursuant to Section 100-453 (5) of the Village of Mukwonago Zoning Ordinance for the property located at 201 Pearl Avenue, known as MUKV1973225 opened at 6:50 p.m.

The public hearing for the request by Rebecca Pochert for a variance of nine (9) feet to allow construction of a new detached garage with a height of 24 feet, as opposed to the maximum allowed detached garage height of 15 feet, pursuant to Section 100-453 (5) of the Village of Mukwonago Zoning Ordinance, although the R-3 Single Family/Transitional Residential zoning district of the subject property allows a new detached garage to be a maximum of 20 feet in height for the property located at 201 Pearl Avenue, known as MUKV1973225 opened at 6:50 p.m.

<u>Jack Dexter, 312 Franklin St.</u>, said that his garage is 20 feet high and he would not be opposed to a garage at 24 feet high. Public Hearing closed at 6:53 p.m.

The public hearing for the request by Nathan and Kristin Belan for a variance of 144 square feet to allow construction of a new detached garage of 864 square feet as opposed to the maximum allowed detached garage of 720 square feet, pursuant to Section 100-453 (5) of the Village of Mukwonago Zoning Ordinance for the property located at 322 Grand Avenue, known as MUKV1973204 opened at 6:53 p.m.

Village of Mukwonago Waukesha and Walworth Counties, Wisconsin December 15, 2016 Board of Building and Zoning Appeals Minutes Page 2 of 4

The public hearing for the request by Nathan and Kristin Belan for a variance of 29.3 feet to allow construction of a new detached garage located 5.7 feet from the Pearl Avenue street property line to the nearest corner of the garage overhang as opposed to the required 35 foot street yard setback, pursuant to Section 100-103 (4) b. 1. of the Village of Mukwonago Zoning Ordinance for the property located at 322 Grand Avenue, known as MUKV1973204 opened at 6:53 p.m.

Josh Peterson, 403 Division Street, spoke in favor of the variance.

The public hearing for the request by Nathan and Kristin Belan for a variance of nine (9) feet to allow construction of a new detached garage with a height of 20 feet, as opposed to the maximum allowed detached garage height of 15 feet, pursuant to Section 100-453 (5) of the Village of Mukwonago Zoning Ordinance, although the R-3 Single Family/Transitional Residential zoning district of the subject property allows a new detached garage to be a maximum of 20 feet in height for the property located at 322 Grand Avenue, known as MUKV1973204 opened at 6:53 p.m.

Josh Peterson, 403 Division Street, spoke in favor of the variance.

Public Hearing closed at 6:56 p.m.

Unfinished Business

511 Oakland Ave. Variances

Consideration of a request by Douglas A. Dorger, Apex Development, for a variance to allow construction of a 1,500 square feet accessory structure 15 feet from the Locust Street right-of-way instead of the required 30 feet street yard setback, pursuant to Section 100-203 (e)(2)(a) of the Village of Mukwonago Municipal Code (Zoning Ordinance) for the property located at 511 Oakland Avenue, known as MUKV1973998. Applicant withdrew the request.

New Business

201 Pearl Avenue variances

Consideration of a request by Rebecca Pochert for a variance of 144 square feet to allow construction of a new detached garage of 864 square feet as opposed to the maximum allowed detached garage of 720 square feet, pursuant to Section 100-453 (5) of the Village of Mukwonago Zoning Ordinance for the property located at 201 Pearl Avenue, known as MUKV1973225. Applicant withdrew the request.

Motion made by Harwood/Fischer to grant the variance to allow construction of a new detached garage with a height of 24 feet, as opposed to the maximum allowed detached garage height of 15 feet, pursuant to Section 100-453 (5) of the Village of Mukwonago Zoning Ordinance, although the R-3 Single Family/Transitional Residential zoning district of the subject property allows a new detached garage to be a maximum of 20 feet in height for the property located at 201 Pearl Avenue, known as MUKV1973225 with the following reasons and conditions:

Reasons for granting the variance are:

- 1. Conforms with the Historical District.
- 2. Fits in with the neighborhood.
- 3. Neighbors spoke in favor of the variance.
- 4. No one appeared against the variance.

5. There is a safety issue with the current structure.

Conditions for the variance are:

- 1. That the structure is to be built according to plans submitted and approved by the Planning Commission with exception to the square footage should be reduced to 720 sq. ft.
- 2. The reduction of sq. footage to be taken from the rear of the structure not to change the pitch of the roof.

Motion carried unanimously upon a roll call vote.

Motion made by Fischer/Harwood to approve the variance of 144 square feet to allow construction of a new detached garage of 864 square feet as opposed to the maximum allowed detached garage of 720 square feet, pursuant to Section 100-453 (5) of the Village of Mukwonago Zoning Ordinance for the property located at 322 Grand Avenue, known as MUKV1973204.

Reasons for granting the variance:

- 1. Lot size is a hardship because of the undersized lot.
- 2. Meets the minimum required size for the neighborhood.
- 3. Meets and fits in with the Historical District neighborhood.
- 4. One person appeared for approval
- 5. No one appeared against the variance

Condition for granting the variance:

1. Structure must be built as plans submitted and approved by the Planning Commission.

Motion carried unanimously upon a roll call vote.

322 Grand Avenue variances

Motion by Fischer/Beauchamp to approve the variance of 29.3 feet to allow construction of a new detached garage located 5.7 feet from the Pearl Avenue street property line to the nearest corner of the garage overhang as opposed to the required 35 foot street yard setback, pursuant to Section 100-103 (4) b. 1. of the Village of Mukwonago Zoning Ordinance for the property located at 322 Grand Avenue, known as MUKV1973204.

Reasons for granting the variance are:

- 1. The size of the lot prevents them from building anywhere else.
- 2. Meets requirements of the Historical District.
- 3. One neighbor appeared in approval of the variance.
- 4. No one appeared against the structure.
- 5. Fits characteristics of neighborhood.

Condition for granting the variance are:

1. The structure is to be built as plans submitted and approved by the Planning Commission.

Motion carried unanimously upon a roll call vote.

Village of Mukwonago Waukesha and Walworth Counties, Wisconsin December 15, 2016 Board of Building and Zoning Appeals Minutes Page 4 of 4

Motion by Harwood/Fischer to approve the variance of five (5) feet to allow construction of a new detached garage with a height of 20 feet, as opposed to the maximum allowed detached garage height of 15 feet, pursuant to Section 100-453 (5) of the Village of Mukwonago Zoning Ordinance, although the R-3 Single Family/Transitional Residential zoning district of the subject property allows a new detached garage to be a maximum of 20 feet in height for the property located at 322 Grand Avenue, known as MUKV1973204.

Reasons for granting the variance are:

- 1. There was a hardship to design a structure to fit the Historical District.
- 2. It is the minimum structure size to conform to the neighborhood.
- 3. There is hardship in the shape of the lot.
- 4. One person appeared in favor of the structure.
- No one appeared against the garage being built.

Conditions for granting the variance are:

- 1. The structure must be built as plans submitted and approved by the Planning Commission.
- 2. The potential second level will be used for storage only.

Motion carried unanimously upon a roll call vote.

Adjournment

Meeting adjourned at 8:04 p.m.

Respectfully submitted,

Judith A. Taubert Deputy Clerk/Treasurer

NOTICE OF PUBLIC HEARING BEFORE THE VILLAGE OF MUKWONAGO BOARD OF BUILDING AND ZONING APPEALS TO CONSIDER AN APPLICATION FOR VARIANCE REQUESTED BY DENNIS & NANCY WARD FOR THE PROPERTY LOCATED AT 209 SHORE DRIVE

Please take notice that there will be a public hearing before the Board of Building and Zoning Appeals of the Village of Mukwonago in the Board Room of the Village Hall, 440 River Crest Court, Mukwonago, Waukesha and Walworth Counties, on Thursday, January 26, 2017, commencing at 6:30 p.m., to consider the following matter(s):

PUBLIC HEARING: Variance to Section 100-283 (f)(1)a. of the Municipal Code of the

Village of Mukwonago

TAX KEY/ADDRESS: MUKV1976075, 209 Shore Drive

LEGAL DESCRIPTION: LOT 2 BLK 9 PLAT OF MUKWONAGO SHORES PT SW1/4 & SE1/4

SEC 26 T5N R18E DOC# 2582406

OWNER/APPLICANT: Dennis & Nancy Ward

MATTER: Applicant seeks a variance of 16 feet, 2 inches, to allow a building

addition to be located 3 feet, 10 inches from the mapped floodplain, instead of the required 20-foot setback from a mapped floodplain, pursuant to Section 100-283 (f)(1)a. of the Village of Mukwonago

Municipal Code.

At this time all interested persons will be afforded a hearing. Information regarding the above noticed hearing(s) may be obtained in the Clerk's Office.

Steven A. Braatz, Jr.

Village Clerk Pub: 1/11, 1/18 Village of Mukwonago

440 River Crest Court, P.O. Box 206 Mukwonago, WI 53149 Phone: (262) 363-6420

Fax: (262) 363-6425 www.villageofmukwonago.com

VILLAGE OF MUKWONAGO REQUEST FOR VARIANCE APPLICATION

Application Fee: \$450

Date Submitted: 11 28 2016

CONTACTS

Zoning and Planning Department

Contact: Bruce Kaniewski Phone: (414) 339-4105 Fax: (262) 363-6425

Email: planner@villageofmukwonago.com

GUIDELINES

The undersigned petition is to consider a request, as stated herein, for the specified parcel(s) of land and will be reviewed by the Board of Zoning and Building Appeals of the Village of Mukwonago.

Requests for a variance require a public hearing. To ensure the public hearing will be properly advertised, the application must be submitted at least 30 days prior to the meeting in which the Board of Zoning and Building Appeals will hold the public hearing. The Board of Zoning and Building Appeals meets on the Thursday after the fourth Tuesday of each month at 6:30 p.m.

Materials listed on page 4 must be provided to the Village of Mukwonago in accordance with Village Municipal Code Chapter 100, Article XII and other pertinent sections of Village ordinances, WI Stats. 62.23, and as necessary to permit review that is consistent with proper planning practice. The Village will strive to accommodate reasonable requests for informal preliminary staff review, however the Village shall not place any items on the agenda for Board of Zoning and Building Appeals consideration until such time as the application is complete in accordance with all requirements specified on this and other attached application forms.

Mail completed applications to: Village Zoning Administrator

ATTN: Request for Variance

PO Box 206

Mukwonago, Wi 53149

Deliver to:

Village Clerk's Office 440 River Crest Court

Email to:

jhankovich@villageofmukwonago.com

Complete, accurate and specific information must be entered. Please Print.

| APPLICANT INFORMATION (Full Legal Name) | |
|---|-------------------------------|
| Name: DENNIS + NONCY WE | ard |
| Сотрапу: | |
| Address: 209 Shore Dr. | city: MUKWONAGO WI Zip: 53149 |
| Daytime Phone: 262 363 · 2585 | Fax: |
| E-Mail: | |

PROCEDURAL CHECKLIST FOR VARIANCE REVIEW

This form is designed to be a guide for submitting a complete application for a conditional use.

Application Submittal Packet Requirements for Village and Applicant Use (Check off List)

If your application for a building permit is denied by the Inspection Department, you have the option to apply for a variance. Requesting a variance requires appearing before the Board of Zoning and Building Appeals and explaining why you should not be expected to comply with Village zoning regulations. You will be required to prove practical difficulty or unnecessary hardship. The fee to appear before the board is nonrefundable.

The Board of Zoning and Building Appeals (Board) is a group of five citizens appointed to listen to members of the public who want to appeal the rules of the Municipal Zoning Code (Chapter 100). The Board will receive a packet of information about your appeal in addition to listening to you and your neighbors' comments at a public meeting. Also, the Board may request assistance from other Village officers, departments, commissions, and boards in making its decision.

| | Approximate a state of the stat | | |
|-----|--|--|--|
| 0 0 | Completed application for building permit (separate application) Completed application form including the procedural checklist and justification of requested variance. Application fee: \$450 | | |
| | Agreement for Reimbursable Services (separate application) | | |
| Red | quired site drawings and other information: | | |
| Q | Survey of the property | | |
| | Map/picture of the property | | |
| | Plan of operation/proposal | | |
| | Overview of the adjoining lots (including list of parcel identification numbers for all properties within 300 feet of the subject property) | | |
| | Drainage plan | | |
| | Floor plan (¼" Scale) | | |
| | Elevations (front and sides) | | |
| | Electronic Submittals are required. Email (or CD ROM) with all plans and submittal materials in Adobe PDF to | | |
| | planner@villageofmukwonago.com. | | |
| | Any additional information as determined by Village staff. | | |

DO NOT MAIL ANY ADDITIONAL MATERIAL OR INFORMATION DIRECTLY TO OR CALL MEMBERS OF THE BOARD.

Save the additional material and information you have for the Board until the meeting, or you may mail it to staff prior to the meeting. Staff will enter your additional information and material into the public record and forward it to the Board.

After you apply for the variance and before the meeting occurs, notice of your request will be published in two editions of the Mukwonago Chief, and neighboring property owners within 300 feet of your property will receive notice of your appeal.

Also during this time, board members may choose to drive by or visit your property to gather information that may influence their decision regarding your requested variance.

VARIANCE STANDARDS

Variances are not granted routinely. The application for a variance must clearly show the Board of Building and Zoning Appeals that the three Wisconsin State Statutory Standards that govern granting a variance will be met.

<u>Unnecessary Hardship:</u> A situation where, in the absence of a variance, an owner can make no feasible use of the property. A variance is not warranted if the physical character of the property allows a landowner to build or develop in compliance with the zoning ordinance.

The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of other parcels, not which affects all parcel similarly. Generally, hardships arise because of some unique property limitation of a parcel or because the property was created before the passage of the zoning ordinance and is not economically suitable for a permitted use, or will not accommodate a structure of reasonable design for a permitted use, if all area, yard and setback requirements are observed.

Loss of profit or pecuniary hardship is not in and of itself grounds for a variance.

within 300 feet of the subject property)

□ Drainage plan

□ Floor plan (¾" Scale)□ Elevations (front and sides)

| | TO THE ZONING BOARD OF APPEALS |
|----|--|
| Th | ne petition of ZONING VARIANCE respectfully shows: |
| 1. | This petition is made pursuant to the ordinance of the Village of Mukwonago and pertaining to the functions, duties, and powers of the Board of Building and Zoning Appeals. |
| 2. | The petitioner is appealing for: AN AddHON to home to allow disabled Nome Outlines to have |
| | handicap accessible home |
| 3. | Petitioner requests a variation as follows: to erect Addition to close to floor line. |
| 4. | Petitioner has attached hereto a survey of the premises. Yes •No |
| 5. | The present zoning classification of the described real estate is |
| 6. | The names of the owners of said property are as follows: DENNIS + Nancy Ward |
| 7. | Petitioner further respectfully represents that to permit the variance aforesaid would not be contrary to the public interest, or in any way be detrimental to the neighborhood or the neighbors; that to refuse to permit such a variance would cause to the petitioner practical difficulty or unnecessary hardship; and that the use of the premises for the purposes herein prayed would do substantial justice, would be in keeping with the spirit of the Village of Mukwonago and the immediate neighborhood. |
| , | ITEMS REQUIRED TO BE SUBMITTED (If not applicable, mark N/A) |
| | Survey of the property |
| | Map/picture of the property |
| _ | Plan of operation/proposal Overview of the adjoining lots (including list of parcel identification numbers for all proportion |

| A. | Describe what you are building, the proposed dimensions, and what are the proposed |
|----|--|
| | A MASTER BED rOOM Master Bathroom Addition |
| | 14'8" X 22'2" |
| | Setbacks are 3'10" from Flood line |
| | |
| | |
| | |
| В. | Describe the exceptional or extraordinary circumstances or conditions that apply to your |
| - | property that do not apply to surrounding properties: |
| | OWNER has severe disabilities and no |
| | longer can access proper facilities. IN HOME CARE is proposed. |
| | IN PHOME CARE IS proposed. |
| | |
| | |
| | |
| c. | Describe the hardship (s) that would result if the Variance is not granted: |
| | HOMEOWNERS WOULD have to Relocate. |
| | |
| | |
| | |
| | |
| | · · · · · · · · · · · · · · · · · · · |
| ο. | Describe how the variance would <u>not</u> have adverse affects on surrounding lands: |
| | other sections of the home are located |
| | with in flood line. No Adverse affects |
| | will take place. |
| | |
| | |
| | |

| AFFLICANT IS REFRESENTED BY (Full Legul | ivaile) | 100 | |
|---|--|--|---------------------|
| Name: | <u> </u> | | |
| company: URBAN HERRIGES + | SONE INC. | | |
| Address: 121 Wolf Run 34 | He1 city: MUK | MON HRB ^{ate:} MI | zip: <u>53</u> 14 |
| Address: 121 Wolf Run Su Daytime Phone: 262 363 - 4200 | Fax: (262) | 3634961 | |
| E-Mail: lisaCherri | aes com | | |
| 11,300,10111 | 7 | | |
| ARCHITECT | | | |
| Namo | | | |
| Name: | | 701 P | |
| Company: | | State: | 7in• |
| Daytime Phone: | | | |
| E-Mail: | | • | |
| | | | |
| PROFESSIONAL ENGINEER | • | | |
| THOU ESSIONAL ENGINEER | | | |
| Name: | | ~··· | |
| Company: | *. | | |
| Address: | | | |
| Daytime Phone: | Fax: | ************************************** | · |
| E-Mail: | | | • |
| | | | |
| REGISTERED SURVEYOR | | | |
| Name: | | | _ |
| Company: Kettle MORZIN | e Surveyio | a TNC. | |
| A | HONBIGHY: Edgle | State: W | zip: <u>53</u> 119 |
| Daytime Phone: (262)594-3481 | | State. VV | 210. <u>22</u> 11 |
| E-Mail: | | ************************************** | -9-00- |
| | - It is a second of the second | ************************************** | 1 |
| CONTRACTOR | | | |
| CONTINUETOR | | | |
| Name: | | - | |
| Company: URBAN HERRIGES | S+SONS, INC | | |
| Address: 121 Wolf Kun Su | | UDNAG State: W | l zip: <u>53</u> 14 |
| Daytime Phone: <u>262 363 42 00</u> | _{{ { { } { } { } { } { } } } Fax: <u>262</u>} | 363 4961 | |
| E-Mail: lisacherriae | S. COM | | |

| | ress/Location: 209 Shore LN. MUKWONAGO WI 53149 |
|----------|---|
| A. | Addition to BE Erected to close to Flood line. Set BACK IS 20'0" / Addition will be to close. |
| | |
| В. | The property is presently used as: Residential Residence. |
| | |
| D. E. | Name of Architect, Professional Engineer, or Contractor: URBAN HERRIGES + SONS, ITO Project Timetable: Start Date: 03/2017 Completion Date: 07/2017 All of the Proposed Use(s) of the property will be: Principal Use residential |
| | Secondary UseNIA |
| | Accessory Use N A |
| | /We represent that I/we have a vested interest in this property in the following manner: ☐ Owner |
| | Leasehold. Length of Lease: Contractual. Nature of contract: Remode in & Contractor Addition |

PROPERTY AND PROJECT INFORMATION

CERTIFICATION

Applicant hereby certifies that:

- All of the above statements and other information submitted as part of this application are true and correct to the best of his or her knowledge.
- Affirms that no Village of Mukwonago elected or appointed official or employee has a proprietary interest in the above referenced property for which this applications being filed (except as stated below under "Exceptions").
- 3. None of the above referenced individuals has been promised or given any contract for consultation, planning or construction in relation to this project (except as stated below under "Exceptions").
- 4. Applicant has read and understands all information in this packet.

Applicant further understands the policies of the Village regarding change of zonings and property development. Conditions of the resolution regarding all approvals are strictly followed. Certificates of Occupancy are not given until all conditions of approval have been met

By the execution of this application, applicant hereby authorizes the Village of Mukwonago or its agents to enter upon the property during the hours of 7:00 am to 7:00 pm daily for the purpose of inspection. Applicant grants this authorization to enter even if this land has been posted against trespassing pursuant to Section 943.13 WI Stats.

(The opplicont's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's outhorization letter moy be provided in lieu of the property owner's signature[s] below. If more than one, oll of the owners of the property must sign this Application).

| Signature - Property Owner NANCYM WARD Name & Title (PRINT) 1/28/16 Date | Signature - Applicant Lisa Herriges Secretary Name & Title (PRINT) Treasurer 1 28 2016 Date |
|--|---|
| | |
| Signature - Property Owner | Signature – Applicant's Representative |
| Name & Title (PRINT) | Name & Title (PRINT) |
| Date | Date |
| FO | DR OFFICE USE ONLY |
| Date Paid 12/22/16 | Receipt # 10943, 894 |
| Date(s) Notice Published | Date Notices Mailed |
| 1-11/1-18-17 | 1.12.17 |
| Public Hearing Date しつよらつ17 | Plan Commission Date(s) BZA Date |
| Escrow Required? | Escrow Amount |
| Board of Zoning and Building Appeals Disposition | |



